Sripadom lands encroach upon any public pathway within the limits of such lands, we cannot deal with them under the existing Regulation. Several years ago, this question came up before Government, but it was then reserved for consideration in connection with the Land Revenue Code Bill. It is also proposed to make the Bill applicable to the conservancy of lands, within the limits of Private Estates and Edavagais, intended for public use and maintained by Government. A provision is also embodied in the Bill to recover the cost of eviction and removal of encroachments. The Regulation at present provides for the recovery of damages alone. At any rate it has been understood not to include the cost of eviction. I request, therefore, that the Bill be read in Council and its principle affirmed.

Seconded by Mr. Subramania Iyer.

Carried.

The Council having affirmed the principle of the Bill, Mr. Ananda Row proposed that the Bill be referred to a Select Committee consisting of Messrs. Vieyra, Sri Narayanan Tampi and the Mover, to report within one month.

The motion was put and agreed to.

THE VAKILS' REGULATION AMENDMENT BILL.

Mr. Ananda Row.— Sir, I beg to introduce the Bill to amend the Vakils' Regulation, III of 1075. The reasons for the amendments are explained in the Statement of Objects and Reasons appended to the Bill. The High Court have, in a recent case, ruled that a permanent Government employé, holding an office other than that of a Sirkar Vakil, Professor of Law or Law Reporter, cannot appear, act or plead before them as Acting Head Sirkar Vakil. The amendment seeks to remove this disability. I must, however, draw attention to the fact that under Section 1 of the Bill, as it is now worded, it is competent to Government to appoint anybody as Head Sirkar Vakil, whether he is a Vakil or not and it is for the Council to settle whether such power should be taken by Government. I beg that the principle of the Bill be affirmed.

Seconded by Mr. Sankara Menon.

Carried.

The Council having affirmed the principle of the Bill, Mr. Ananda Row proposed that it be referred to a Select Committee consisting of Messrs. Vieyra, Sri Narayanan Tampi and the Mover, to report within one month.

The motion was put and agreed to.

THE POLICE REGULATION AMENDMENT BILL.

Mr. Sankara Menon.—Sir, in accordance with the permission granted to me at the last meeting of the Council, I beg now to propose to further amend the Police Regulation, IV of 1056, as amended by Regulation II of 1058. The Bill, with the Statement of Objects and Reasons, has already been published in the Gazette and copies thereof have been circulated among the members and 15 days have elapsed since the date of publication. I therefore ask that the Bill be taken up for consideration at once and its principle affirmed in Council.

The Bill is drafted on the lines of Sections 15, 15 A and 16 of the Indian Act V of 1861, as amended by Act VIII of 1895.

Section 1 of the draft Bill introduces three new provisions into the existing Regulation, the first two of which correspond to Sections 15 and 15 A of the Indian Act. By the first, power is given to Government to quarter additional police in disturbed localities and to levy the cost of their employment from the inhabitants thereof. It also deals with the mode of apportionment of the cost and the period for which the punitive police may be quartered. As the guardian of the peace of the district, the District Magistrate is authorised to apportion the cost among the inha-

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bitants liable to bear the same according to their respective means, subject to revision of his action by Government. Power is also given to Government to exempt any persons or class or section of the inhabitants of the disturbed locality from liability to bear any portion of the cost, and all orders made under this Section are declared final, for the obvious reason that it is inexpedient to allow the Courts to call into question the propriety or reasonableness of the acts of the Executive Government in such exceptional cases.

The next Section deals with the award of compensation to sufferers from the misconduct of the inhabitants in the disturbed areas, and the third Section relates to the award of compensation for damage to public property or property belonging to Government. For reasons I have already explained, it is provided that no civil suit shall be maintainable for any injury for which compensation has been awarded under these two Sections.

Section 2 of the draft Bill corresponds to Section 16 of the Indian Act and is a necessary corollary to the preceding Sections. It deals with the mode of recovering the cost of the additional police employed under the preceding Section as well as under Sections 9 and 10 of the existing Regulation and the compensation for damage as adjudged by the District Magistrate, as also with the application of the funds so collected. Section 11 of the existing Regulation is repealed for the reason that the "General Police Fund" mentioned in it does not exist and the duty of paying the additional police will fall in the first instance on the Government.

Seconded by Mr. Sankara Pillai.

Mr. Subramania Iyer.—Sir, I humbly beg to oppose the principle of this Bill. There could be no two opinions that the subjects of His Highness the Maha Raja are ever loyal, law-abiding and peaceful. It does not seem to be necessary to have a punitive police in a State like Travancore. The learned Mover, in his Statement of Objects and Reasons, chiefly refers to the recent disturbance in Trivandrum as the basis for the introduction of the Bill. The disturbance above referred to, when minutely scrutinised, will show that, if at all, it was not the act of a premeditated and an organised mob but a sudden outburst of feeling between individuals quite unconnected with Government acts or with any particular sect. This Bill is a slur upon Travancoreans. The past and present policy of Government is a sufficient guarantee that the peace of the country can in no way be disturbed so as to necessitate a resort to such extreme measures.

Mr. Kuruvila.—Sir, with reference to the proposal for a punitive police, I humbly beg to submit that I recognise the force of the circumstances which have induced Government to consider the difference between the existing Regulation, and the British Indian law, to be a drawback and not an excellence. This fact prevents my raising any objection to the desire of Government to arm itself with extraordinary powers, to be exercised when the necessity is extraordinary. But I humbly beg to submit that the wording of the Bill may be made explicit enough to prevent such necessity being presumed except where two conditions are fulfilled, namely, (1) that the spirit of lawlessness in any disturbed area takes the form of open disloyalty to constituted authority, as distinguished from a mere conflict of private interests among subjects, and (2) that the lawlessness is demonstrated by open disobedience to or defiance of a positive and duly proclaimed order of a representative of Government, not lower than a District Magistrate.

Mr. Sri Narayanan Tampi.—Sir, the circumstances that have induced Government to take power by amending the Police Regulation, IV of 1056, on the lines of the British Indian Act V of 1861, as amended by Act VIII of 1895, are to be highly regretted. All loyal and law-abiding subjects of His Gracious Highness the Maha Raja, I am sure, deeply deplored the recent unfortunate occurrence—an incident unheard of in the modern history of Travancore. Though I am fully conscious that Government should have sufficient power to meet any emergencies, yet, considering the uniformly quiet and law-abiding nature of the people of this country, my strongest

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conviction is that the necessity has not actually occurred to enact the provisions contemplated by the Bill. I have carefully thought over the condition of the indigenous people of Travancore, and, being in a measure closely acquainted with the public pulse, I beg to entertain a certainty of feeling as to the unlikelihood of any strained relation occurring between the people and the constituted authorities, which would drive Government to quarter upon any locality or portion of the community a special police. The situation elsewhere has no analogy to Travancore, and, if I thought otherwise, I would have been the first person to recognise the soundness of the principle under consideration. I regret very much that I am unable to accede to the motion now before the Council.

Mr. Udaya Varma Raja.—Sir, the public extremely regret to find that a single unfortunate occurrence like the recent disturbance in Trivandrum should be made the occasion for introducing into the Council a punitive enactment as the one under consideration. Whether the people of the Town are really responsible for the breach of the peace is a matter which has yet to be known. But I may inform you, Sir, that the people of Travancore are loyal and law-abiding. They are too timid to dare deliberate rioting. Moderation characterises their thoughts, words and deeds.

I beg your pardon, Sir, to observe that the principle of the Bill under discussion does not appear to be commendable. It is, I am sorry to say, opposed to the policy of the progressive administration of Travancore. That the poor inhabitants should bear the cost of quartering an additional police force on a disturbed area is an objectionable arrangement. Let those that want the police force pay for it. If no body comes forward, the safest method would be, I think, to tax those that broke the peace. There is neither necessity nor justification for such a piece of legislation at present.

President.—I would only say two or three words on behalf of Government. When we instructed Mr. Sankara Menon to introduce this Bill, we did so after very anxious consideration. I would at once say that it is not due to any apprehension on our part in regard to the loyalty or law-abiding nature of the people, for my experience has been that they are one of the most reasonable people that I have had to deal with, and I do not think that the people of any other country can compare favourably with them, either in point of intelligence or moderation. At the same time, I would point out that, even in the interests of the maintenance of this state of affairs, it is as well that people should know that, when things go beyond a certain stage, there are certain penalties which are bound to come. It is more for that that the provision is intended. Also, I would point out that what we are now concerned is not so much about the actual imposition of the punitive police, but whether Government should have the power to do so or not, should they consider it necessary at any time. When there is a power, there is of course just the contingency that the power may once in a way not be used properly. But ordinarily it has to be assumed that it will be used properly. For these reasons I have to say that we adhere to the resolution.

The motion was put to the vote and carried by a majority, Messrs. Vieyra, Ananda Row, Sankara Menon, Sankara Pillai and Kuruvila voting for the motion and Messrs. Udaya Varma Raja, Subramania Iyer and Sri Narayanan Tampi voting against it.

The Council having affirmed the principle of the Bill, Mr. Sankara Menon proposed that it be referred to a Select Committee, consisting of Messrs. Vierya, Kuruvila and the Mover, to report within one month.

The motion was put and agreed to.

THE AGRICULTURAL IMPROVEMENT LOANS REGULATION AMENDMENT BILL.

Mr. Vieyra.—Sir, permission was given to me at the last meeting of the Council to introduce this Bill. I need not say much more than what I did say at that meeting. The Regulation has been in force for more than 16 years and it has been practically inoperative. To make it more useful, it is proposed to make it

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